

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

JORGE A. NUNEZ, ) CV F 03-5127 AWI WMW HC  
Petitioner, ) ORDER ADOPTING  
v. ) FINDINGS AND  
RICHARD EARLY, Warden, ) RECOMMENDATIONS AND  
Respondent. ) DENYING PETITION FOR  
 ) WRIT OF HABEAS CORPUS

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 . The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 16, 2005, the Magistrate Judge filed [Findings and Recommendations](#) herein. These Findings and Recommendations were served on the parties and contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days.

Petitioner filed [objections](#) on March 21, 2005.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the Findings and Recommendations to be supported by the record and by proper analysis. The court agrees with the Magistrate Judge that Petitioner has not shown the state court's adjudication of Petitioner's claims was contrary to, or involved an unreasonable application of, clearly established Federal law or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence. See 28 U.S.C. § 2254(d).

Accordingly, it is HEREBY ORDERED that:

1. The Findings and Recommendations issued by the Magistrate Judge on  
February 16, 2005, are ADOPTED IN FULL;
2. This petition for writ of habeas corpus is DENIED;
3. and the Clerk of the Court is directed to enter judgment for Respondent and to close  
this case.

IT IS SO ORDERED.

Dated: May 2, 2005  
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/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE